

EDWARD H. KUBO, JR. (2499)  
United States Attorney  
District of Hawaii  
THOMAS A. HELPER (5676)  
Room 6-100, PJKK Federal Bldg.  
Assistant U.S. Attorney  
300 Ala Moana Boulevard  
Honolulu, Hawaii 96850  
Telephone: (808) 541-2850  
Facsimile: (808) 541-3752  
E-mail: tom.helper@usdoj.gov

Attorneys for Federal Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

RAYMOND WARE,	)	CIVIL NO. 04-00671 HG LEK
	)	
Plaintiff,	)	FEDERAL DEFENDANTS' MOTION TO
	)	DISMISS AND FOR SUMMARY
v.	)	JUDGMENT; MEMORANDUM IN
	)	SUPPORT OF FEDERAL DEFENDANTS'
SIDNEY HAYAKAWA, Director of	)	MOTION TO DISMISS AND FOR
Transportation Security	)	SUMMARY JUDGMENT; CERTIFICATE
Administration - Honolulu,	)	OF SERVICE
KEN KAMAHELE, Deputy	)	
Director, TRANSPORTATION	)	
SECURITY ADMINISTRATION;	)	
MICHAEL CHERTOFF, Secretary,	)	
Department of Homeland	)	
Security, DEPARTMENT OF	)	
HOMELAND SECURITY; JOHN DOES	)	
1-5,	)	
Defendants.	)	
	)	

FEDERAL DEFENDANTS' MOTION TO DISMISS  
AND FOR SUMMARY JUDGMENT

Come now Defendants, Sidney Hayakawa, Director of  
Transportation Security Administration, Honolulu, Ken Kamahele,  
Deputy Director, Transportation Security Administration-  
Honolulu, in their official capacities, and the Transportation

Security Administration and Department of Homeland Security (the federal defendants), by and through their undersigned attorneys, and move this court to dismiss and grant summary judgment to plaintiff's Amended Complaint. This motion is made under Federal Rules of Civil Procedure 12(b)(1) and 56, based on the grounds more fully stated in the accompanying Memorandum and the record herein.

DATED: June 14, 2006, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

By /s/ Thomas A. Helper  
THOMAS A. HELPER  
Assistant U.S. Attorney

Attorneys for Federal  
Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that, on the date and by the method of service noted below, a true and correct copy of the foregoing document was served on the following at their last known address:

Served Electronically through CM/ECF:

Daphne Barbee  
June 14, 2006

[desekmet@aloha.net](mailto:desekmet@aloha.net)

DATED: June 14, 2006, at Honolulu, Hawaii.

/s/ Myra Y. Peterson

---